

January 23, 2012

Honorable Diane P. Wood
Circuit Judge
Honorable J.P. Stadtmueller
District Judge
Honorable Robert M. Dow, Jr.
District Judge

United States District Court for the
Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

Baldus et al. v. Brennan et al.
Case No. 11-CV-562

Dear Judges Wood, Stadtmueller and Dow:

The Court has pending before it the plaintiffs' Motion to Defer a Judicial Decision on Pending Motion for Judgment on the Pleadings Filed by Congressional Intervenor-Defendants (Dkt. 117), and it has as well a supportive motion from the Congressional Intervenor-Plaintiffs (Dkt. 119) and an opposition from the Congressional Intervenor-Defendants (Dkt. 120). The motion cites a new decision from a three-judge federal panel involving the redistricting of West Virginia's Congressional districts. *Jefferson County Commission v. Tennant*, No. 2:11-CV-0989, 2012 U.S. Dist. LEXIS 569 (S.D. W. Va. Jan. 3, 2012).

We write to notify the Court that, last Friday, the U.S. Supreme Court issued a stay of that decision pending its consideration of the appeal from that three-judge panel. *Tennant v. Jefferson County Comm'n*, No. 11A674 (U.S. Jan. 20, 2012) (order granting stay). That same day, the Supreme Court also vacated and remanded a Texas redistricting decision. *Perry v. Perez*, Nos. 11-713, 11-714 and 11-715, 565 U.S. ___, 2012 U.S. LEXIS 908 (Jan. 20, 2012). The parties here will have ample opportunity, before and at the trial of this matter, to discuss the status of those Friday decisions and any effect they may have on this litigation.

Finally, on Friday, the Congressional Intervenor-Defendants sent the Court a letter in the wake of the Thursday evening discovery stipulation filed by the defendants and the plaintiffs. The stipulation never was intended to bind the intervenor-defendants, nor could it have, and the proposed order sent to the Court reflects that. Paragraph 6 need not be stricken. For the

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plaintiffs, we have no objection to the order stating, even more specifically, that it does not bind the intervenor-defendants.

In any event, the plaintiffs require the Court's permission to amend their complaint, and if and when discovery warrants that, they will ask the Court for permission.

Thank you for your consideration.

GODFREY & KAHN, S.C.

s/Douglas M. Poland

Douglas M. Poland
Dustin B. Brown

DWP:aeg

cc: Maria S. Lazar (By ECF)
Patrick Hodan (By ECF)
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